

**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
January 14, 2003 - 7:00 p.m.**

Present:	Mayor:	Joe L. Johnson
	Council Members:	Barbara Holt, R. Fred Moss, J. Gordon Thomas and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	City Recorder:	Kim J. Coleman
	Recording Secretary:	Nancy T. Lawrence
Absent:	Councilman:	John Pitt

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Johnson called the meeting to order at 7:00 p.m., following which Councilman Moss offered the invocation. Councilman Thomas led the pledge of allegiance to the flag.

**MINUTES OF DECEMBER 17, 2002**

Minutes of the regular City Council meeting held December 17, 2002 will be presented for approval at the next regular meeting.

**EXPENDITURES AND EXPENSES APPROVED  
FOR FIVE PERIODS - NOVEMBER 28, 2002 - JANUARY 8, 2003**

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: November 28 - December 4, 2002 (\$343,747.58); December 5 - 11, 2002 (\$288,427.72); December 12-18, 2002 (\$527,209.68); December 19, 2002 to January 8, 2003 (\$1,347,353.23); and the Summary for December, 2002 (\$2,966,446.92). Following discussion, all reports were unanimously approved on a motion made by Councilman Thomas and seconded by Councilwoman Holt. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**ANNUAL MEETING SCHEDULE APPROVED FOR 2003**

Mr. Hardy reviewed the proposed City Council meeting schedule for the 2003 calendar year, which will follow the same format as the year 2002 (regular meetings at 7:00 p.m. on the second and fourth Tuesdays of each month). The only exception to this schedule will be that there will be no meeting on Veteran's Day (November 11, 2003). Councilman Moss motioned to adopt the meeting schedule as presented. Councilman Thomas seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**FINAL ACCEPTANCE GRANTED TO HIDDEN LAKE DRIVE DEDICATION  
PLAT AT SUMMERWOOD PHASE 4, DUNN-ROWE SUBDIVISION, AND CEDAR**

**SUBDIVISION**

Mr. Rowland reported that the developers of Hidden Lake Drive Dedication Plat at Summerwood Phase 4, Dunn-Rowe Subdivision and Cedar Subdivision have completed all of the site improvements as required by the City. It is recommended that the Council grant final acceptance to these developments, approve releasing the remaining 10% of the bonds, and take over maintenance and up-keep of City streets and release the developers of any further obligations. Councilman Thomas made a motion to this effect, Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**COUNCIL APPROVES COMMITTEE APPOINTMENTS**

Mayor Johnson reviewed that Richard Lewis has served faithfully on the Mosquito Abatement District for 12-plus years, but has asked to be relieved of these duties. The Mayor requested that a letter of appreciation be drafted to be sent to Mr. Lewis on behalf of the City. The Mayor recommended the name of Arden Jenson to be appointed as the City representative to the Mosquito Abatement District. Councilwoman Holt made a motion to this effect, Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

Mayor Johnson reported that Lowell Leishman has accepted an invitation to serve another 4-year term on the Power Commission. This term will expire on January 15, 2007. The Mayor acknowledged the financial expertise of Mr. Leishman and expressed appreciation for his service in this capacity since 1993.

Jack Barnett has served on the Power Commission for four years but has asked to be replaced. He has agreed to serve until a replacement has been found. Councilman Moss motioned to ratify the action recommended by the Mayor. Councilwoman Holt seconded the motion. Voting was unanimous with Councilpersons Holt, Moss, Thomas and Tolman voting "aye".

**PUBLIC HEARING TO CONSIDER REZONING PROPERTIES  
LOCATED AT 92 WEST CENTER STREET AND 68 N., 72 N. AND 94 N. 100 WEST**

At 7:18 p.m. Mr. Mahan reviewed that the City has received an application for a zone change along 100 West street (68 North, 72 North, and 94 North) and 92 West Center from R-3-16 to C-R. This request was considered by the Planning Commission and comes to the Council with a favorable recommendation. The Mayor then opened the public hearing and the following individuals spoke against the proposed change: Jerry Boshard (75 North 100 West), Nathan Smart (153 West 100 North), Zig Sandelski (143 West 100 North), Nola VanWagenen (96 West Center), Beth Oliphant (108 West 300 North), Jean Keddington (154 West 100 North), Carolee Wright (145 West Center), and Benjamin Horsley (195 North 100 West). Their concerns were: additional traffic, infringement of businesses on the residential neighborhood, a desire to maintain the historical flavor of the neighborhood, lack of a need for additional commercial space in the downtown area, and a need for residential housing near the downtown area. Russ and Carrie Newbold (94 North 100 West), acknowledged the position of their neighbors, but stated that it would be economically advantageous to them to have the property re-zoned to meet the needs of a prospective buyer. They explained that they have remodeled their home and in trying to sell it, have found there is not a large market for a \$200,000 home in the downtown area. Mrs. Newbold

pointed out that inasmuch as only certain businesses are permitted in the C-R zone, it would provide protection from development in the neighborhood.

It was pointed out that in 1996, there was an effort to keep the area in question as residential, specifically to maintain the residential atmosphere. The original purpose of the C-R zone was to allow residential properties to legally exist in a commercial area.

The public hearing was closed at 7:53 p.m. and Councilwoman Holt, liaison to the Planning Commission, expressed appreciation for the input from the neighborhood. She reviewed that when the new zone was created, it was not intended to be a commercial umbrella that pulls residential homes into it, but to permit the residential homes in a commercial area. She stated that the residences in that area lend stability and atmosphere to that street and she was not in favor of the proposed zone change.

Councilman Tolman expressed a desire to maintain the historical flavor of Bountiful and he supported the enthusiasm of the residents in attendance in opposition to the proposed change. Following further discussion, Councilman Thomas made a motion that the request for a zone change not be approved. Councilwoman Holt seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**PROTEST HEARING RE: CREATION OF SPECIAL IMPROVEMENT DISTRICT - NO. 2002-1**

Mr. Hardy reviewed that the legal process of creating a special improvement district provides for property owners affected by the creation of that district to express opposition. At 8:02 p.m. the hearing was opened for said properties owners to voice opposition to the proposed SID to be created in conjunction with the Renaissance Towne Centre development. There were none and the hearing was closed at 8:03 p.m. Jason Burningham, bond counsel, summarized the process of creating the District and the related financing. He pointed out that if internal warrants are used, it provides the exact cost of the project prior to issuing bonds. Councilman Thomas motioned to adopt Res. No. 2003-1 TO CREATE THE BOUNTIFUL CITY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 2002-1 DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE CITY OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AND RELATED MATTERS. Councilman Moss seconded the motion and voting was unanimous. Councilpersons Holt, Moss, Thomas and Tolman voted "aye".

**FINDINGS OF FACT ADOPTED RE: ANDERSON LUMBER PROPERTY**

Mr. Mahan reviewed that it is a good practice to adopt the Findings of Fact in cases which might be challenged. He reviewed the Findings of Fact regarding the application for rezoning at 620 South 200 West and 220 to 310 West on 650 South and recommended that this document be adopted. Councilman Tolman motioned to adopt the Findings of Fact as recommended. Councilwoman Holt seconded the motion. Voting was unanimous with Councilpersons Holt, Moss, Thomas and Tolman voting "aye".

## **PURCHASE OF PUMP EQUIPMENT FOR 1<sup>ST</sup> EAST WELL APPROVED**

Mr. Rowland reviewed that the walls on the new well house at the 1<sup>st</sup> East well are about ½ complete and installation of the pump and motor equipment is one of the final pieces of getting this well back on line. Proposals were requested from four suppliers for the pump and related equipment and it is the recommendation of staff to accept the proposal from Nickerson Company, Inc. for a submersible J-Line pump in the amount of \$35,333.00. Councilman Thomas motioned to uphold staff recommendation, with the expenditure coming from the Water Replacement account. Councilman Tolman seconded the motion which carried unanimously. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

## **COUNCIL COMMITTEE REPORTS**

None

## **STUDY SESSION TO REVIEW PROJECTS AND LONG-RANGE PLANNING**

At 8:15 p.m. the meeting adjourned to the Planning Conference Room for a study session to review unfinished items that are pending from last year’s plan and to discuss items that the Council would like to see accomplished in the future. The Mayor requested that Councilmembers share their ideas of what they would like to see accomplished in the City, without consideration of budget constraints. After the “wish list” is drafted, it can then be prioritized per the budget. The following items were placed on the list for consideration: completion of the Recreation Center, strengthening the downtown area economically, more trees in the parks, greater emphasis on clean-up in the City, i.e., weedy lots, etc., support for the development at 5-Points, consideration of the area by the “B” as it relates to trails, environmental issues, etc., creation of a Farmers Market, walking paths, a new ice sheet, emphasis on historical features of the City, a veterans memorial at the cemetery, better use of internet in City communication process (e-government), continued support for the Legacy Highway and light rail, review of economic development activities and effort to “sell” the city (including additional flags for downtown area), consolidation of the Fire District and consolidated dispatch services for the south end of the County.

Mr. Hardy then reviewed the budget position of the city as of the end of December (50 percent year-to-date). He noted that expenditures in the General Fund are down, primarily as a result of savings on road salt. The sales tax remains basically flat. The mild winter will result in a loss of franchise tax (attached to the utilities). Some major expenditures have not yet shown (a new ambulance and police vehicles), and road projects have not yet been started. He reviewed each fund’s YTD position and noted that a negative situation for the City is that it is not growing. Budget strategies were discussed and it was noted that the department heads work together very well in determining priorities.

The meeting adjourned to executive session at 10:03 p.m. for the purpose of discussing personnel. This action was taken on a motion made and seconded by Councilmen Moss and Thomas, respectively. Councilpersons Holt, Moss, Thomas and Tolman voted “aye”.

## **Attendance at Executive Session**

Mayor Johnson

Councilmembers Holt, Moss, Thomas, and Tolman

Mr. Hardy

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JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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